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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES W. McCALL and JAY M.
LAPINE,

Defendants.

Case No.: CR-00-0505-WHA

**STIPULATION AND [PROPOSED]
ORDER RE: OCTOBER 14, 2008
STATUS CONFERENCE**

The Honorable William H. Alsup
Date: October 14, 2008

1 The United States and defendants Charles W. McCall and Jay M. Lapine, through
2 their respective counsel, stipulate and agree as follows:

3 **RECITALS**

4 1. On May 29, 2008, the parties appeared before the Court for a status
5 conference.

6 2. At the conclusion of the May 29 status conference, the Court scheduled
7 another status conference for October 14, 2008, but instructed the parties to inform the
8 Court in advance of that date if the defendants' appeals of Judge Jenkins's November 6,
9 2007 order denying defendants' motions for judgments of acquittal would still be pending
10 as of October 14.

11 3. The Court of Appeals has scheduled oral argument on the appeals for October
12 24, 2008.

13 4. The Court of Appeals advises that most cases are decided within three months
14 to a year of oral argument. (*See* www.ca9.uscourts.gov.)

15 5. As set forth in greater detail in the parties' joint status conference statement filed
16 on August 12, 2008, which is incorporated in this Stipulation and a copy of which is
17 attached hereto as Exhibit A, it is the parties' position that it will be premature to conduct a
18 status conference on October 14 and, accordingly, the parties respectfully request that the
19 Court re-schedule the status conference for January 20, 2009, or another date thereafter that
20 is convenient for the Court.

21 **STIPULATION**

22 Based on the foregoing, IT IS HEREBY STIPULATED AND AGREED that, with
23 the Court's permission, the October 14, 2008 status conference is rescheduled for January
24 20, 2009. If the Court of Appeals rules on the appeals prior to that date, the parties will
25 inform the Court.

26 IT IS SO STIPULATED AND AGREED.
27
28

1 DATED: September 22, 2008

UNITED STATES OF AMERICA

2
3 By _____/s/

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7 Eleventh Floor
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11 Attorneys for the United States

12 DATED: September 22, 2008

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14 By _____/s/

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25 Attorneys for Defendant
26 CHARLES W. McCALL
27
28

1 DATED: September 22, 2008

KASOWITZ BENSON TORRES & FRIEDMAN LLP

2
3 By _____ /s/

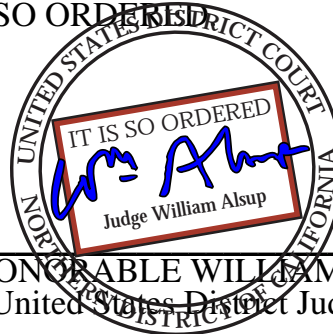
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11 Attorneys for Defendant
12 JAY M. LAPINE

13 I, Michael J. Shepard, attest that Timothy P. Crudo, Theodore V. Wells, Jr. and
14 Marcus S. Topel have read and approved the STIPULATION AND [PROPOSED] ORDER
15 RE: OCTOBER 14, 2008 STATUS CONFERENCE and consent to its filing in this action.

16 Pursuant to the foregoing stipulation, IT IS SO ORDERED.

17 DATED: September 23, 2008



18 THE HONORABLE WILLIAM H. ALSUP
19 United States District Judge